



Cuba

Country Reports on Human Rights Practices - [2001](#)

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Cuba is a totalitarian state controlled by President Fidel Castro, who is Chief of State, Head of Government, First Secretary of the Communist Party, and commander-in-chief of the armed forces. President Castro exercises control over all aspects of life through the Communist Party and its affiliated mass organizations, the government bureaucracy headed by the Council of State, and the state security apparatus. The Communist Party is the only legal political entity, and President Castro personally chooses the membership of the Politburo, the select group that heads the party. There are no contested elections for the 601-member National Assembly of People's Power (ANPP), which meets twice a year for a few days to rubber stamp decisions and policies previously decided by the governing Council of State. The Communist Party controls all government positions, including judicial offices. The judiciary is completely subordinate to the Government and to the Communist Party.

The Ministry of Interior is the principal entity of state security and totalitarian control. Officers of the Revolutionary Armed Forces (FAR), which are led by Raul Castro, the President's brother, have been assigned to the majority of key positions in the Ministry of Interior in the past several years. In addition to the routine law enforcement functions of regulating migration and controlling the Border Guard and the regular police forces, the Interior Ministry's Department of State Security investigates and actively suppresses political opposition and dissent. It maintains a pervasive system of surveillance through undercover agents, informers, rapid response brigades (RRB's), and neighborhood-based Committees for the Defense of the Revolution (CDR's). The Government traditionally uses the CDR's to mobilize citizens against dissenters, impose ideological conformity, and root out "counterrevolutionary" behavior. During the early 1990's, economic problems reduced the Government's ability to reward participation in the CDR's and hence the willingness of citizens to participate in them, thereby lessening the CDR system's effectiveness. RRB's consist of workers from a particular brigade (construction workers, a factory, etc.) that are organized by the Communist Party to react forcefully to any situation of social unrest. The Government on occasion used RRB's instead of the police or military during such situations. Other mass organizations also exert government and Communist Party control over citizens' daily activities at home, work, and school. Members of the security forces committed numerous serious human rights abuses.

The country's population is approximately 11 million. The Government continued to control all significant means of production and remained the predominant employer, despite permitting some carefully controlled foreign investment in joint ventures. Foreign companies are required to contract workers only through state agencies, which receive hard currency payments for the workers' labor but in turn pay the workers a fraction of this (usually 5 percent) in local currency. In 1998 the Government rescinded some of the changes that had led to the rise of legal nongovernmental business activity when it further tightened restrictions on the self-employed sector by reducing the number of categories allowed and by imposing relatively high taxes on self-employed persons. In September 2000, the Minister of Labor and Social Security publicly stated that more stringent laws should be promulgated to govern self-employment. He suggested that the Ministry of Interior, the National Tax Office, and the Ministry of Finance act in a coordinated fashion to reduce "the illegal activities" of the many self-employed persons; however, there were no reports of coordination between these agencies during the year. According to government officials, the number of self-employed persons as of October 2000 was 109,562, a decrease from the 124,082 reported in 1999. If artists and intellectuals are included, the number of self-employed persons rises to 154,312.

According to official figures, the economy grew 3.6 percent during the year. Despite this, overall economic output remained below the levels prior to the drop of at least 35 percent in gross domestic product (GDP) that occurred in the early 1990's. This drop was due to the inefficiencies of the centrally controlled economic system; the loss of billions of dollars of annual Soviet bloc trade and Soviet subsidies; the ongoing

deterioration of plants, equipment, and the transportation system; and the continued poor performance of the important sugar sector. The 2000-2001 sugar harvest was more than 3.5 million tons, the second worst harvest in more than 50 years. In November Hurricane Michelle killed five persons and caused severe damage to tens of thousands of homes, the telecommunications system, and the electrical infrastructure; it also destroyed much of the export-earning citrus crops and affected 54 percent of the sugar crop. The Government continued its austerity measures known as the "special period in peacetime," which were instituted in early 1990's. Agricultural markets provide consumers wider access to meat and produce, although at prices beyond the reach of most citizens living on peso-only incomes or pensions. Given these conditions, the flow of hundreds of millions of dollars in remittances from the exile community significantly helped those who received dollars to survive. Tourism remained a key source of revenue for the Government. The system of so-called "tourist apartheid" continued, with foreign visitors who paid in hard currency receiving preference over citizens for food, consumer products, and medical services. Most citizens remained barred from tourist hotels, beaches, and resorts.

The Government's human rights record remained poor. The Government continued to violate systematically the fundamental civil and political rights of its citizens. Citizens do not have the right to change their government peacefully. Prisoners died in jail due to lack of medical care. Members of the security forces and prison officials continued to beat and otherwise abuse detainees and prisoners, including human rights activists. The Government failed to prosecute or sanction adequately members of the security forces and prison guards who committed abuses. Prison conditions remained harsh and life threatening. The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. The Government used internal and external exile against such persons, and it offered political prisoners the choice of exile or continued imprisonment. The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials. The Government infringed on citizens' privacy rights. The Government denied citizens the freedoms of speech, press, assembly, and association. It limited the distribution of foreign publications and news, reserving them for selected faithful party members, and maintained strict censorship of news and information to the public. The Government restricted some religious activities but permitted others. The Government limited the entry of religious workers to the country. The Government maintained tight restrictions on freedom of movement, including foreign travel and did not allow some citizens to leave the country. The Government was sharply and publicly antagonistic to all criticism of its human rights practices and discouraged foreign contacts with human rights activists. Violence against women, especially domestic violence, and child prostitution were problems. Racial discrimination was a problem. The Government severely restricted worker rights, including the right to form independent unions. The Government prohibits forced and bonded labor by children; however, it required children to do farm work without compensation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom from:

a. Arbitrary and Unlawful Deprivation of Life

There were no reports of politically motivated killings.

There was no new information about the results of any investigation into the deaths of Leovigildo Oliva and Leonardo Horta Camacho; police reportedly shot and killed both men in 2000.

During the year, there were reports that prisoners died in jail due to lack of medical care (see Section 1.c.).

The Government still has not indemnified the survivors and the relatives of the victims for the damages caused in the Border Guard's, July 1994 sinking of the "13th of March" tugboat, which killed 41 persons, despite a 1996 recommendation by the Inter-American Commission on Human Rights (IACHR) to do so. The Government detained a number of human rights activists to prevent them from participating in a Mass in memory of the victims on the anniversary of the deaths (see Section 1.d.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits abusive treatment of detainees and prisoners; however, members of the security

forces sometimes beat and otherwise abused human rights advocates, detainees, and prisoners. There continued to be numerous reports of disproportionate police harassment of black youths (see Section 5).

On May 21, police and state security officials beat assembled mourners who refused orders to ride buses during a funeral procession for a prominent human rights activist (see Section 2.b.).

On December 10, police officers detained five human rights activists who had planned to celebrate World Human Rights Day by reading the Universal Declaration of Human Rights in a public park. A fistfight broke out between three of the officers and the activists, and the activists claimed that the officers hit them with a piece of wood; however, no one was injured seriously. The activists also claimed to have been dropped off by the police far from their homes.

The Government continued to subject persons who disagreed with it to acts of what it called repudiation. At government instigation, members of state-controlled mass organizations, fellow workers, or neighbors of intended victims are obliged to stage public protests against those who dissent from the Government's policies, shouting obscenities and often causing damage to the homes and property of those targeted; physical attacks on the victims sometimes occur. Police and state security agents often are present but take no action to prevent or end the attacks. Those who refuse to participate in these actions face disciplinary action, including loss of employment.

During the year, there were no massive acts of repudiation directed against the homes of individual human rights activists; however, there were smaller-scale acts of repudiation, known as "reuniones relampagos," or rapid repudiations. These acts are conducted by a small number of persons, usually not from the person's neighborhood, and can last up to 30 minutes. These individuals shout epithets and throw stones or other objects at the target's house. For example, on July 12, a group of persons threw stones and bottles at the home of Jose Manuel Escobedo, a member of the National Transitional Council to Democracy, and Ana Maria Espinoza, a member of Forum Feministas, in Santiago de Cuba. The crowd then went to the house of Manuel Melian, also a member of the National Transitional Council to Democracy, and threw stones and bottles at his house. These actions lasted approximately 30 minutes.

On December 25, police, state security officers, and members of the RRB forcefully prevented the opening of an independent library focusing on Christian books in Florida, in the province of Camaguey. Members of the RRB beat the dissidents and prevented independent journalist Carlos Brizuela from reaching the house; the crowd also beat independent journalist Normando Hernandez Gonzalez. The dissidents were unable to open officially the independent library.

On October 4, a group of Cuban exiles filed suit in a Belgian court accusing President Castro of "false imprisonment, torture, and persecution" during his 42 years in office. The case was filed under a 1993 Belgian law that gives local Belgian courts universal jurisdiction over violations of international humanitarian law in other countries. The magistrate was expected to consider whether the case was admissible.

Prison conditions continued to be harsh and life threatening, and conditions in detention facilities also were harsh. The Government claims that prisoners have rights, such as family visitation, adequate nutrition, pay for work, the right to request parole, and the right to petition the prison director; however, police and prison officials often denied these rights in practice, and beat, neglected, isolated, and denied medical treatment to detainees and prisoners, including those convicted of political crimes or those who persisted in expressing their views. Human Rights Watch reported that in 1999 the Government revised the Penal Code to prohibit the use of corporal punishment on prisoners and the use of any means to humiliate prisoners or to lessen their dignity; however, the revised code failed to establish penalties for committing such acts, and they continued to occur in practice. Detainees and prisoners, both common and political, often are subjected to repeated vigorous interrogations designed to coerce them into signing incriminating statements, to force collaboration with authorities, or to intimidate victims. Some endured physical and sexual abuse, typically by other inmates with the acquiescence of guards, or long periods in punitive isolation cells. Pretrial detainees are held separately from convicted prisoners. In Havana there are two detention centers; once sentenced, persons are transferred to a prison.

Prisoners sometimes are held in "punishment cells," which usually are located in the basement of a prison, are semi-dark all the time, have no water available in the cell, and have a hole for a toilet. No reading materials are allowed, and family visits are reduced to 10 minutes from 1 or 2 hours. There is no access to lawyers while in the punishment cell.

On January 25, a prison guard beat common prisoner Jose Ramon Capote, who had to be hospitalized. The independent press agency CPIC reported that the prison guard was not punished despite being well known for physically abusing prisoners.

Prison guards and state security officials subjected human rights and prodemocracy activists to threats of physical violence, to systematic psychological intimidation, and to detention or imprisonment in cells with common and violent criminals, sexually aggressive inmates, or state security agents posing as prisoners.

Political prisoners are required to comply with the rules for common criminals and often are punished severely if they refuse. They often are placed in punishment cells and held in isolation.

For example, in January the authorities placed Dr. Oscar Elias Biscet in a punishment cell for 5 days after he refused to wish prison guards a happy new year. In February 2000, a court had sentenced Biscet to 3 years in prison for disrespect, creating a public disturbance, and encouraging others to violate the law.

The Government regularly violated prisoners' rights by failing to provide adequate nutrition and medical attention, and a number of prisoners died during the year due to lack of medical attention. In 1997 the IACHR described the nutritional and hygienic situation in the prisons, together with the deficiencies in medical care, as "alarming." Both the IACHR and the former U.N. Special Rapporteur on Cuba, as well as other human rights monitoring organizations, have reported the widespread incidence in prisons of tuberculosis, scabies, hepatitis, parasitic infections, and malnutrition.

CPIC reported that on February 18, 31-year-old common prisoner Fernandez Rodriguez died of diabetes. According to his mother, Rodriguez was taken to a local hospital but was returned to prison after 3 days, where he subsequently died.

In early April, Guillermo Alberto Alea Acosta, a 34-year-old common prisoner in the prison Kilo Cinco y Medio in Pinar del Rio, died due to lack of medical attention. The independent press agency UPECI reported that Alea was taken to a hospital for heart problems but for unknown reasons was not admitted; he died 24 hours later.

On April 23, Damaso Aquino del Pino died in the Canaleta prison in Ciego de Avila. Aquino was sentenced to prison in 1993 for alleged acts of sabotage. The independent press agency AIDH stated that he reportedly died from lack of medical treatment for diabetes, including a lack of a special diet.

On May 20, political prisoner Marcelo Diosdado Amelo Rodriguez died in a Santiago de Cuba hospital from circulatory problems. Diosdado Amelo reportedly had requested medical assistance the day before, but only was taken to the hospital at dawn; he died while being treated. Diosdado Amelo was in prison for 8 years for "rebellion." While on conditional liberty in 2000, he was jailed again and received a 3-year sentence for "disobedience" ("desacato") for attempting to enter Hotel Casa Granda in Santiago de Cuba. In 2000 there were reports that Diosdado Amelo was not receiving medicine for hypertension and circulatory problems. The authorities prevented human rights activists from participating in the burial of Diosdado Amelo (see Section 2.b.).

In early April, Berta Antunez, the sister of political prisoner Jorge Louis Garcia Perez Antunez, reported that her brother had initiated a hunger strike to protest the lack of medical attention he required in the Sancti Spiritus prison. At the time, he was spitting blood because of a nodule on his lung. Six political prisoners--founding members of the Pedro Luis Boitel Amnesty Commission for Political Prisoners--in the Valle Grande prison went on a sympathy hunger strike, including Douglas Faxe Rosabal, Lazaro Constantin Duran, Liuba Salas Garcia, Hector La Roque Rego, Juan Carlos Perez, and Miguel Lopez Santos. On April 27, human rights activists from a number of organizations initiated a fast to demand medical treatment for Perez Antunez. He later was taken to a military hospital for treatment, and was held in Combinado del Este prison in Havana at year's end.

Vladimiro Roca Antunez, a member of the Internal Dissidents Working Group, remained in prison at year's end. Prison officials denied Roca prison furloughs over weekends, which were granted to the three other members of the group before their release in May 2000 (see Section 1.e.). Roca complained of harassment from prison guards and lack of medical attention. He suffered from bronchiectasis as a result of smoking. On April 12, UPECI reported that Roca's wife, Magaly de Armas, complained about her husband's harassment by prison guards and lack of common courtesy towards him. She noted that conditions inside the prison, such as high humidity and long hours of confinement in a cell with only 1 hour outside daily, were responsible for his continued lung problems.

On July 6, Maria Esther Valdes Suarez, wife of imprisoned labor leader Jose Orlando Gonzalez Bridon who was convicted in June, told an independent journalist that her husband was not receiving medical treatment for high blood pressure (see Section 1.e.). Valdes reported that he was hemorrhaging blood from the nose.

On January 17, the authorities released independent journalist Jesus Joel Diaz Hernandez from prison without explanation (see Section 1.e.). In July 2000, Diaz Hernandez's family smuggled a urine sample out of prison that revealed that the journalist had hepatitis. Prison officials repeatedly failed to provide proper medical treatment to Diaz Hernandez.

Prison officials regularly denied prisoners other rights, such as the right to correspondence, and continued to confiscate medications and food brought by family members for political prisoners. Some prison directors routinely denied religious workers access to detainees and prisoners. Reading materials, including Bibles, are not allowed in punishment cells.

In March Ana Aquilla, wife of 47-year-old Francisco Chaviano Gonzalez, complained that her husband remained confined with common prisoners, and that for more than 1 year he was not allowed outside the prison for recreation. Chaviano is the former president of the National Council for Civil Rights in Cuba and received a 15-year prison sentence in 1994 on charges of espionage and disrespect.

On April 14, the correspondence that Rafael Perera Gomez gave to his wife was confiscated as she was leaving after a prison visit. One of the letters reportedly was for Elizardo Sanchez, president of the Cuban Commission for Human Rights and National Reconciliation.

In late June, Eddy Alfredo Mena Gonzalez started a hunger strike to protest the decision of prison authorities not to allow his family to visit him in August. Mena Gonzalez was the provincial coordinator of the Movement of Young Cubans for Democracy. In 2000 he had received a 5-year prison sentence for allegedly promoting civil disobedience. Nestor Rodriguez Lobaina, the president of the organization, received a 6-year sentence for allegedly causing a public disturbance and disrespect. On August 20, Rodriguez Lobaina was beaten severely by a fellow inmate, resulting in hospitalization for a broken jaw. There were no guards present when Rodriguez Lobaina was beaten; however, human rights activists believe that the attack was inspired by state security.

On August 14, prison authorities informed Yesenia Rodriguez Aguilar, the wife of Randy Cabrera Mayor, that she could not visit him because "he is a counterrevolutionary." Cabrera is serving a 16-year prison term for attempting to leave the country illegally and for having fled prison a number of times; Cabrera's previous imprisonment was due to his refusal to serve in the army.

There are separate prison facilities for women and for minors. Conditions of these prisons, especially for women, do not take into account the special needs of women. Human rights activists believe that conditions are poor.

The Government does not permit independent monitoring of prison conditions by international or national human rights monitoring groups. The Government has refused to allow prison visits by the International Committee of the Red Cross (ICRC) since 1989 and continued to refuse requests to renew such visits. On July 18, the Cuban Commission for Human Rights and National Reconciliation (CCHRNC), an illegal nongovernmental organization (NGO), appealed to the Government to create a national commission with representatives from the Cuban Red Cross, the Ministry of Public Health, and different churches, to inspect the prisons and recommend changes to the existing situation. At year's end, the CCHRNC had not received a response from the Government.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention continued to be problems, and they remained the Government's most effective tactics for harassing opponents. The Law of Penal Procedures requires police to file formal charges and either release a detainee or bring the case before a prosecutor within 96 hours of arrest. It also requires the authorities to provide suspects with access to a lawyer within 7 days of arrest. However, the Constitution states that all legally recognized civil liberties can be denied to anyone who actively opposes the decision of the Cuban people to build socialism. The authorities routinely invoked this sweeping authority to deny due process to those detained on purported state security grounds.

The authorities routinely engaged in arbitrary arrest and detention of human rights advocates, subjecting them to interrogations, threats, and degrading treatment and unsanitary conditions for hours or days at a time. The CCHRNC reported an increase in the number of short-term detentions during the year. Members of the Human Rights Party of Cuba affiliated with the Andrei Zajarov Foundation (PPDHC) in the municipalities of Guane and Sandino in the province of Pinar del Rio claimed that they were subjected to 455 repressive actions by state security personnel during 2000. On January 11, UPECI reported that of these 455 actions, 93 activists received official citations to appear at police stations ("actas policiales") from local police. At the end of 2000, Amnesty International recognized the increase of arrests and harassment of dissidents, particularly around the

December anniversary of the Universal Declaration of Human Rights, when the authorities arrested approximately 200 persons to prevent them from participating in a celebration of that anniversary. Human rights activists characterized this escalation as the worst in a decade. The authorities continued to detain human rights activists and independent journalists for short periods, often to prevent them from attending or participating in events related to human rights issues (see Sections 2.a. and 2.b.). The authorities also placed such activists under house arrest for short periods for similar reasons.

On January 12, state security officials arrested and detained two Czech citizens--parliamentary deputy and former Finance Minister Ivan Pilip, and former student leader Jan Bubenik--after they met with prodemocracy activists. They were charged with "acting against the country's security" and inciting rebellion, which carries charges of up to 20 years' imprisonment. Following international pressure, on February 5, the authorities released them without trial after they signed a statement saying that they unwittingly had violated the law and apologized for their actions. Several citizens who had contact with the two men were detained and questioned (see Sections 1.f. and 2.a.).

On January 16, Juan Carlos Gonzalez Leyva, president of the Cuban Foundation for Human Rights (FCDH), was intercepted by four men in the bus station in Sancti Spiritus. Gonzalez, who is blind, was on his way to attend a meeting of dissidents. The four men drove out of town and left him in a sugar cane field approximately 25 miles away. These men replaced his walking stick with a sugar cane stalk and took all his papers from his backpack and replaced it with stones. Farmers heard Gonzalez's appeal for help and drove him to the road where someone helped him back to Sancti Spiritus. Gonzalez was detained again in February to prevent a meeting of the FCDH (see Section 2.b.).

On February 23, Elizardo Sanchez Santa Cruz Pacheco, president of the CCHRNC, was detained for 2 hours at a local police station. In an interview with a state security official, Sanchez was told that his detention was a warning to desist from providing support to dissident organizations and distributing financial support to families of political prisoners. Sanchez believed that this might be related to his attendance at a February 10 ceremony in which an environmental organization, Naturpaz, issued diplomas to a group of students who successfully completed a course on the environment. Sanchez also speculated that his activities in support of Project Varela sponsored by Oswaldo Paya Sardinias of the Christian Liberation Movement could be another reason for his detention (see Section 4).

On September 3, two persons were detained and released the same day at the first national conference of the Confederation of Independent Workers (see Section 6.a.).

On September 28, Carlos Alberto Dominguez, one of the organizers of an impromptu march in honor of the Virgin of Charity, was detained briefly in his home and taken to the nearest police station; he was released without charge (see Section 2.c.).

State security police used detentions and warnings to prevent organizations around the island from performing any actions in remembrance of the four pilots killed in February 1996 by Cuban military aircraft. Police prevented some dissidents from leaving their homes. Aida Valdes Santana, president of the National Coordination of Prisoners and Former Political Prisoners was told not to leave her house and not to conduct commemorative activities. The authorities detained others, including Roger Morales Rey, Yunier Iglesias Silva, and Jesus Jersen Garcés, who were intercepted as they proceeded to the seashore in Puerto Padre.

On March 8, state security officials detained a number of persons when they arrived at the monthly meeting place of the FCDH in Cuba. Officials told others, such as independent journalist Pablo Pacheco Avila, Marcelo Tier Perez of the Democratic Solidarity Party, and Jose Carlos Morgado Hernandez of the Foundation, to stay in their homes.

The independent press agency Agencia de Prensa Libre Oriental (APLO) reported that on March 29, state security officials detained independent journalist Juan Carlos Garcell in Sagua de Tanamo and transported him to a house on the outskirts of Holguin where he was questioned about his activities. Later in the afternoon, he was freed and had to find his way home. Garcell referred to this incident as "an act of kidnapping."

On May 20, state security police prevented a number of organizations from celebrating the 99th anniversary of the country's independence. (May 20 was the prerevolution independence holiday, which President Castro eliminated.) Members of the Movement of Fraternal Brothers for Dignity and the Cuban Orthodox Party were kept away from an area in Havana known as "La Punta," near the entrance to Havana Bay. The authorities briefly detained Nelson Aguiar, president of the Cuban Orthodox Party.

As in previous years, on July 13, police prevented activists from commemorating the 1994 sinking of the "13th

of March" tugboat (see Section 1.a.). Beginning on July 12, police detained activists in a number of provinces and ordered others to remain in their homes on July 13. The authorities told dissidents that if they did not obey they would be prosecuted for illegal assembly and distribution of enemy propaganda or for incitement to rebellion. Planned actions in Havana and other provinces did not take place because of state security activities. A planned march in Old Havana was disrupted when organizers were detained a few days before the event.

In December 2000, the authorities detained an estimated 200 persons, including some who were detained on December 4, 2000, at public religious celebrations in honor of Santa Barbara. Most of the detainees were released after a short period and were not charged. Two of those arrested were tried and convicted of "contempt for authority" (see Section 1.e.). Orlando Fundora and Leonardo Bruzon were released on January 16 and February 1 respectively.

In December 2000, authorities arrested Maritza Lugo Fernandez, vice president of the Democratic November 30 Party; she was released without charge in May.

The authorities prevented a number of persons from attending trials during the year (see Section 1.e.). For example, in May activists Carlos Alberto Dominguez and Nelson Vazquez Obregon were intercepted on their way to the trial of Jose Orlando Gonzalez Bridon and were transported to another part of Havana far from the court (see Section 1.e.). In July police detained more than 30 opposition members who attempted to attend the trial of Belkis Barzaga Lugo and Hector Novo and transported them outside Havana by bus (see Section 1.e.).

The authorities sometimes detained journalists in order to question them about contacts with foreigners or to prevent them from covering sensitive issues or criticizing the Government (see Section 2.a.).

Time in detention before trial counted toward time served if convicted. Bail was available, and usually was low and more equivalent to a fine.

The Penal Code includes the concept of "dangerousness," defined as the "special proclivity of a person to commit crimes, demonstrated by his conduct in manifest contradiction of socialist norms." If the police decide that a person exhibits signs of dangerousness, they may bring the offender before a court or subject him to therapy or political reeducation. Government authorities regularly threatened prosecution under this provision. Both the U.N. Commission on Human Rights (UNCHR) and the IACHR have criticized this concept for its subjectivity, the summary nature of the judicial proceedings employed, the lack of legal safeguards, and the political considerations behind its application. According to the IACHR, the so-called special inclination to commit crimes referred to in the Criminal Code amounts to a subjective criterion used by the Government to justify violations of individual freedoms and the due process of persons whose sole crime has been an inclination to hold a view different from the official view.

The Government also used exile as a tool for controlling and eliminating the internal opposition. Amnesty International has noted that the Government detains human rights activists repeatedly for short periods and threatens them with imprisonment unless they give up their activities or leave the country. The Government used these incremental aggressive tactics to compel independent journalists Maria de los Angeles Gonzales and Luis Alberto Rivera to leave the country on May 10 and on July 31 respectively.

The Government also has pressured imprisoned human rights activists and political prisoners to apply for emigration and regularly conditioned their release on acceptance of exile. Human Rights Watch observed that the Government routinely invokes forced exile as a condition for prisoner releases and also pressures activists to leave the country to escape future prosecution. Amnesty International has expressed particular concern about the Government's practice of threatening to charge, try, and imprison human rights advocates and independent journalists prior to arrest or sentencing if they do not leave the country. According to Amnesty International, this practice "effectively prevents those concerned from being able to act in public life in their own country."

e. Denial of Fair Public Trial

The Constitution provides for independent courts; however, it explicitly subordinates the courts to the ANPP and the Council of State, which is headed by President Castro. The ANPP and its lower level counterparts choose all judges. The subordination of the courts to the Communist Party, which the Constitution designates as the superior directive force of society and the State, further compromises the judiciary's independence. The courts undermined the right to a fair trial by restricting the right to a defense and often failed to observe the few due process rights available to defendants.

Civilian courts exist at the municipal, provincial, and supreme court levels. Panels composed of a mix of professionally certified and lay judges preside over them. Military tribunals assume jurisdiction for certain counterrevolutionary cases and are governed by a special law. The military tribunals process civilians if a member of the military was involved with civilians in a crime. There is a right to appeal, access to counsel, and the charges are known to the defendant.

The law and trial practices do not meet international standards for fair public trials. Almost all cases are tried in less than 1 day; there are no jury trials. While most trials are public, trials are closed when there are alleged violations of state security. Prosecutors may introduce testimony from a CDR member about the revolutionary background of a defendant, which may contribute to either a longer or shorter sentence. The law recognizes the right of appeal in municipal courts but limits it in provincial courts to cases such as those involving maximum prison terms or the death penalty. Appeals in capital cases are automatic. The Council of State ultimately must affirm capital punishment.

Criteria for presenting evidence, especially in cases involving human rights advocates, are arbitrary and discriminatory. Often the sole evidence provided, particularly in political cases, is the defendant's confession, usually obtained under duress and without the legal advice or knowledge of a defense lawyer (see Section 1.c.). The authorities regularly denied defendants access to their lawyers until the day of the trial. Several dissidents who have served prison terms reported that they were tried and sentenced without counsel and were not allowed to speak on their own behalf.

The law provides the accused with the right to an attorney, but the control that the Government exerts over the livelihood of members of the state-controlled lawyers' collectives compromises their ability to represent clients, especially when they defend persons accused of state security crimes. Attorneys have reported reluctance to defend those charged in political cases due to fear of jeopardizing their own careers.

After being transferred to three different prisons within 1 month for refusing to work, Rene Montes de Oca Martija escaped from prison on April 20. On May 8, he was recaptured in the house of Yani Valdes Mendez, who also was detained. Montes de Oca is the secretary general of the Human Rights Party of Cuba affiliated with the Andrei Sajarov Foundation. On December 19, 2000, Montes de Oca Martija had received a 21-month sentence for threatening his wife Esther Valdes German, an accusation that she had denied. On November 29, he again was tried for escaping from prison, and received an additional 1 year and 4 months imprisonment to his original sentence, for a total of 4 years and 5 months.

On May 9, the Popular Municipal Court in Central Havana informed 58-year-old Isabel del Pino Sotolongo, president of the Humanitarian Association of the Followers of Christ King, that her trial was suspended for the third time. A neighbor had accused del Pino of threatening to kill her, and police initiated legal proceedings against her on the basis of this accusation. Opposition groups rejected this accusation because following a 1999 attack, del Pino's state of health had deteriorated to the point where she physically would be incapable of committing such an act. Del Pino was not detained because of her poor health. After the second suspension of her trial on April 23, del Pino initiated a hunger strike to protest the court's action and prolonged deliberation. Religious leaders and human rights activists convinced her to terminate her hunger strike after 72 hours because of her state of health.

On June 8, a civilian court sentenced Jose Orlando Gonzalez Bridon, the 50-year-old secretary general of the Confederation of Democratic Workers of Cuba, to 2 years in jail, which an appeals court reduced to 1 year, for "diffusion of false information harmful to international peace." Gonzalez Bridon, who also is an independent journalist and was detained in late 2000, was accused of falsely incriminating local police for the killing of Yohana Gonzalez Herrera, a human rights activist, by her husband in November 2000. Gonzalez Bridon's trial had been postponed repeatedly, resulting in a lengthy pretrial detention. On May 23, police told various human rights activists not to attend the trial. Despite the frequent changing of the date of the trial and warnings by police, a number of activists arrived at the court, but the authorities allowed only family members to attend the trial. State security officials intercepted activists Carlos Alberto Dominguez and Nelson Vazquez Obregon on their way to the court and transported them to another part of Havana far from the court. Initially Gonzalez Bridon also was charged with "spreading false information," but the prosecutor could not prove this charge. In July Bridon reportedly was refused medical treatment (see Section 1.c.). He was released on November 11 after serving his sentence.

On July 11, the trial of Belkis Barzaga Lugo and Hector Novo Suarez, both members of the 30th of November Democratic Party, took place in Santiago de las Vegas, on the outskirts of Havana City. Both were accused of causing public disorder, and Barzaga Lugo also was charged with resisting arrest. Police detained more than 30 opposition members who arrived to attend the trial (see Section 1.d.). Barzaga Lugo and Novo Suarez were arrested on December 17, 2000, for carrying a sign requesting freedom for political prisoners during a church service in honor of St. Lazarus. Lugo was released on December 16 after serving a 1-year sentence, and Suarez was released on March 31 after paying a fine of \$45 (900 pesos).

In December 2000, courts convicted Angel Moya Acosta and Julia Cecilia Delgado of "contempt for authority" and sentenced each of them to 1 year in prison. Both trials were closed to the public. The two were among 200 persons detained (see Section 1.d.). Both were released by year's end.

On January 3, Miguel Sanchez Valiente, a former lieutenant colonel in the army who became an activist, was released from prison without explanation. Sanchez was arrested in August 1992 and sentenced to 10 years in prison for espionage.

On January 17, Jesus Joel Diaz Hernandez was released from prison without explanation. Diaz Hernandez, an independent journalist, had been serving a 4-year sentence beginning in 1999 for the crime of "dangerousness."

Egberto Angel Escobedo Morales was arrested in 1995, and in July 2000, was tried again for obstruction of police, causing disorder in the prison, and disrespect of government officials. At year's end, there were no reports that he had been sentenced.

Vladimiro Roca Antunez of the Internal Dissident Working Group remained in prison at year's end after a 1997 conviction for acts against the security of the state in relation to the crime of sedition after the group peacefully expressed their disagreement with the Government (see Section 1.d.). Three other members received conditional releases in 2000.

Human rights monitoring groups inside the country estimate the number of political prisoners to be between 249 and 300 persons. In July the CCHRNC reported that there were an estimated 249 political prisoners in the country; in July 2000, the CCHRNC reported 314 political prisoners. The CCHRNC noted that since the Government refuses to publish the number of prisoners in the country, its figures are based on information obtained from family members of prisoners. A spokesperson for the CCHRNC attributed the decrease in political prisoners to the fact that the Government has changed its tactics from prison sentences to increased detentions (see Section 1.d.). The authorities have imprisoned persons on charges such as disseminating enemy propaganda, illicit association, contempt for the authorities (usually for criticizing President Castro), clandestine printing, or the broad charge of rebellion, which often is brought against advocates of peaceful democratic change. In July another illegal NGO, the National Coordinator of Prisoners and Former Political Prisoners, listed 262 political prisoners. This NGO also reported that an additional 179 prisoners were convicted over a 1 year period of piracy (stealing a boat belonging to the Government in an attempt to leave the country), and illegal attempt to leave the country (see Section 2.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution provides for the inviolability of a citizen's home and correspondence, official surveillance of private and family affairs by government-controlled mass organizations, such as the CDR's, remained one of the most pervasive and repressive features of daily life. The State has assumed the right to interfere in the lives of citizens, even those who do not oppose the Government and its practices actively. The authorities utilized a wide range of social controls. The mass organizations' ostensible purpose is to improve the citizenry, but in fact their goal is to discover and discourage nonconformity. Citizen participation in these mass organizations has declined; the economic crisis both has reduced the Government's ability to provide material incentives for their participation and has forced many persons to engage in black market activities, which the mass organizations are supposed to report to the authorities.

The Interior Ministry employed an intricate system of informants and block committees (the CDR's) to monitor and control public opinion. While less capable than in the past, CDR's continued to report on suspicious activity, including conspicuous consumption; unauthorized meetings, including those with foreigners; and defiant attitudes toward the Government and the revolution.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. The Interior Ministry's Department of State Security often reads international correspondence and monitors overseas telephone calls and conversations with foreigners. The Government also monitors domestic phone calls and correspondence.

On January 18, Yolaida Granda Gonzalez, the 21-year-old daughter of independent journalist Maria de los Angeles Gonzalez Amaro, was dismissed from her job as an accountant in a yogurt factory (see Section 1.d.). A few days before her expulsion, two state security agents met with the factory's management. In 2000 Granda Gonzalez was dismissed from the University of Havana because of her mother's activities.

On February 3, the independent press agency Lux InfoPress reported that two workers involved in

independent labor movements were expelled from an agroindustrial plant for "lack of confidence" (see Section 6.a.).

Family members of Roberto Valdivia Hernandez, whose name was found in the electronic agenda of two Czech citizens, Ivan Pilip and Jan Bubenik, whom state security officials arrested in January, were visited frequently by state security (see Section 1.d.). Valdivia's mother was told that her son would spend 20 years in jail. Valdivia is a member of the FCDH in the province of Ciego de Avila.

On May 10, the 14-year-old son of Mayra Maria Enrique Rodriguez, a member of the Movement for Democracy, was called into the local police station's Office of Minors. The authorities wanted to know why the 14-year-old was not attending political rallies, including the May 1 march in honor of workers.

Nivaldo Aguila and Lorenzo Montelier were dismissed from their jobs in a sugar mill because they are sons of former political prisoners who were involved in the anti-Castro guerrilla war in the Escambray Mountains in the early 1960's.

There were numerous credible reports of forced evictions of squatters and residents who lacked official permission to reside in Havana (see Section 2.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for citizens' freedoms of speech and press insofar as they "conform to the aims of socialist society." The Government does not allow criticism of the revolution or its leaders. Laws against antigovernment propaganda, graffiti, and disrespect of officials carry penalties of between 3 months and 1 year in prison. If President Castro or members of the ANPP or Council of State are the objects of criticism, the sentence can be extended to 3 years. Charges of disseminating enemy propaganda, which includes merely expressing opinions at odds with those of the Government, can bring sentences of up to 14 years. In the Government's view, such materials as the Universal Declaration of Human Rights, international reports of human rights violations, and mainstream foreign newspapers and magazines constitute enemy propaganda. Local CDR's inhibited freedom of speech by monitoring and reporting dissent or criticism. Police and state security officials regularly harassed, threatened, and otherwise abused human rights advocates in public and private as a means of intimidation and control.

On June 29, a group of medical professionals issued a document entitled Statement ("Manifesto") 2001 that demanded a new constitution providing for the rights and liberties of everyone while preserving the independence of the nation; a greater economic opening to provide incentives to small- and medium-sized companies while preserving free access to education and health care; and a general amnesty for political prisoners. Some of these medical professionals were granted immigrant status by other countries, but the Ministry of Health previously had refused to grant them permission to secure exit permits (see Section 2.d.). On July 5, an official threatened to terminate Dr. Luis Milan Fernandez's employment if he did not reveal the author of Statement 2001.

The Constitution states that print and electronic media are state property and cannot become private property in any case. The Communist Party controls all media except for a few small church-run publications. Even the church-run publications, denied access to mass printing equipment, were subject to governmental pressure. Vitral magazine continued to publish during the year.

Citizens do not have the right to receive publications from abroad, although news stands in hotels for foreigners and certain hard currency stores sell foreign newspapers and magazines. The Government continued to jam the transmission of Radio Marti and Television Marti. Radio Marti broadcasts at times overcame the jamming attempts on short-wave bands, but its medium-wave transmissions were blocked completely in Havana. Security agents subjected dissidents, foreign diplomats, and journalists to harassment and surveillance, including electronic surveillance.

All legal media must operate under party guidelines and reflect government views. The Government attempts to shape media coverage to such a degree that it not only continued to exert pressure on domestic journalists but also steadily pressured groups normally outside the official realm of control, such as visiting international correspondents.

The 1999 Law to Protect National Independence and the Economy outlaws a broad range of activities as undermining state security and toughens penalties for criminal activity. Under the law, anyone caught

possessing or disseminating literature deemed subversive, or supplying information that could be used by U.S. authorities in the application of U.S. legislation, is subject to fines and to prison terms of 7 to 20 years. While many activities between citizens and foreigners possibly could fall within the purview of this law, it appeared to be aimed primarily at independent journalists; however, no one has been tried under this law.

This law increased the penalties and broadened the definitions of activities covered by the 1996 Cuban Dignity and Sovereignty Act, which already proscribed citizens from providing to or seeking from any representatives of the U.S. Government information that might be used directly or indirectly in the application of U.S. legislation against the Government. This includes accepting or distributing publications, documents, or other material of any origin that the authorities might interpret as facilitating implementation of such legislation. In 1999 National Assembly President Ricardo Alarcon told foreign correspondents that under the new law, even reporters working for accredited foreign media could be sentenced to up to 20 years in prison if the information they publish is deemed to serve U.S. interests.

The Government continued to threaten independent journalists, either anonymously or openly, with arrests and convictions based on the 1999 law. Some journalists have been threatened repeatedly since the law took effect. Independent journalists noted that the law's very existence had some effect on their activities and increased self-censorship, and some noted that it is the Government's most effective tool to harass members of the independent press.

The Government continued to subject independent journalists to internal travel bans, arbitrary and periodic detentions (overnight or longer), harassment of family and friends; seizures of computers, office, and photographic equipment; and repeated threats of prolonged imprisonment (see Sections 1.d., 1.f., and 2.d.). Independent journalists in Havana reported that threatening phone calls and harassment of family members continued during the year. According to independent journalist Raul Rivero, more than 55 independent journalists experienced varying degrees of harassment, and certain individuals appeared to have been singled out. Dozens of reporters were detained repeatedly. The authorities also placed journalists under house arrest to prevent them from reporting on conferences sponsored by human rights activists, human rights events, and court cases against activists. Independent journalists reported that detentions, threats, and harassment are more severe in the provinces than in the capital. Amnesty International, Human Rights Watch, the Inter-American Press Association (IAPA), "Rapporteurs Sans Frontieres" (RSF), and the Committee to Protect Journalists repeatedly called international attention to the Government's continued practice of detaining independent journalists and others simply for exercising their right to free speech (see Section 1.d.).

Family members have lost their jobs because they refuse to criticize or inform on these so-called counterrevolutionaries (see Section 1.f.). Acts of intimidation have been reported less frequently since 1999; however, the number of acts of intimidation appeared to increase during the year. In addition police more often have tried to prevent independent journalists from covering so-called sensitive events.

In January state security officials summoned Antonio Femenias of Agencia Patria for questioning and subsequently accused him of receiving money or materials from two Czech citizens, Ivan Pilip and Jan Bubenik, who were arrested in January (see Section 1.d.). No further actions were taken against Femenias by year's end.

In February Ricardo Gonzalez Alfonso, a correspondent for RSF, was detained for 4 hours and interrogated about interviews that he gave to a Miami-based radio station. His house subsequently was placed under police surveillance.

In February Edel Garcia, director of the Central Norte del Paiz (CNP) press agency was detained for 12 hours to prevent him from participating in the "Actos del 24 de Febrero" in commemoration of two "Brothers to the Rescue" planes that were shot down by Cuban military aircraft in international airspace in 1996 (see Section 1.d.). Garcia was released in the countryside, 60 miles from his home in Havana. In June the authorities detained Edel Garcia and Dorka Cespedes of Habanapress at the "Aniversario del Tamarindo" in Havana and released them outside of the city. Students taunted Garcia's teen-age daughter because of her father's activities as an independent journalist. At year's end, Garcia was not in detention, and his trial on charges of collaborating with the enemy, providing information to Radio Marti, and conspiracy to commit crimes and espionage remained pending.

In March state security officials in Moa detained Juan Carlos Garcel of the APLO as he attended a civic demonstration. He then was driven to Holguin, 95 miles from Moa, and detained for 7 hours at a state security house where government officials interrogated him. He then was released and forced to hitchhike for 5 hours in order to return to his home.

On March 31, state security detained independent journalist Luis Alberto Rivera Leyva of the APLO as he was

preparing to report on the forced removal of individuals from their home. He was forced to sit in a patrol car until the incident was finished. State security also instructed businesses in his hometown not to permit him to use their telephones.

In April the police placed RSF correspondent Ricardo Gonzalez Alfonso under house arrest after his former wife filed a complaint alleging that he had threatened her. It is highly unusual for police to impose house arrest in a domestic dispute. His former wife dropped the charge, and he no longer was under house arrest at year's end.

In May Ohalis Victores of Cuba-Voz was threatened by state security that if she did not "behave herself" and stop her independent press activities, she never would be issued an exit permit.

In July a state security official accosted Jorge Olivera Castillo of Habanapress in the street and threatened that disciplinary action would be taken against him if he continued with his independent press activities.

In August state security agents interrogated Jesus Alvarez del Castillo of the Cubapress agency and threatened him with imprisonment for his independent press activities.

In September police stopped Juan Carlos Martinez Nunez of the Agencia CMN of Bayamo, Granmna, numerous times in the street and searched him. Police also pressured him to sign a document stating that his trips to Havana were for medical purposes only and not to conduct counterrevolutionary activities.

In September state security officials accused Manuel Antonio Brito of the Buro de Periodistas Independientes de Cuba (BPIC) of trying to provoke a war with the U.S., referring to an article he wrote about the September 11 attacks on the U.S. Brito was detained for a few hours and was not charged.

Jesus and Jadir Hernandez of Havana-Press were charged with trafficking in illegal migrants and collaboration with a foreign mission in 2000; their trial was pending at year's end.

At least five other independent journalists were denied the right to emigrate, including Ohalis Victores, Manuel Vazquez Portal, Jadir Hernandez, Oswaldo de Cespedes, and Sunset Noguera (see Section 2.d.). For example, in May Isaura Ortega of the APIC was refused an exit permit. The Government used repeated short detentions to compel two independent journalists to leave the country (see Section 1.d.).

The authorities often confiscated equipment when arresting journalists, especially photographic and recording equipment. It was possible to buy a fax machine or computer, payable in dollars; if a receipt can be produced, this equipment usually was not confiscated. Photocopiers and printers either were impossible to find on the local market or were not sold to individuals, which made them a particularly valuable commodity for journalists.

Resident foreign correspondents reported that the very high level of government pressure experienced in 2000, including official and informal complaints about articles, continued throughout the year. The Government exercised its ability to control members of the resident foreign press by requiring them to obtain a government exit permit each time they wished to leave the island. President Castro continued to criticize publicly the international press, often by name.

Distribution of information continued to be controlled tightly. Importation of foreign literature was controlled, and the public had no access to foreign magazines or newspapers. Leading members of the Government have indicated that citizens do not read foreign newspapers and magazines to obtain news because they do not speak English and that they have access to the daily televised round tables on issues with which they need to concern themselves.

The Government controls all access to the Internet, and all electronic mail messages are subject to censorship. Access to computers is limited, and the Internet only can be accessed through government-approved institutions. Email use is growing slowly as the Government incrementally allows access to more users; however, the Government generally controls its use, and only very few persons or groups have access. The Government opened a national Internet gateway to some journalists, artists, and municipal-level youth community centers, but the authorities continue to restrict the types and numbers of international sites that can be accessed.

The Government officially prohibits all diplomatic missions in Havana from printing or distributing publications, particularly newspapers and newspaper clippings, unless these publications exclusively address conditions in a mission's home country and prior government approval is received. Many missions do not accept this

requirement and send materials out; however, the Government's threats to expel embassy officers who provide published materials had a chilling effect on some missions.

The Government restricts literary and academic freedoms and continued to emphasize the importance of reinforcing revolutionary ideology and discipline over any freedom of expression. The educational system teaches that the State's interests have precedence over all other commitments. Academics and other government officials were prohibited from meeting with some diplomats without prior approval from the Ministry of Foreign Affairs. The Ministry of Education required teachers to evaluate students' and their parents' ideological character, and note such evaluations in school records. These reports directly affected students' educational and career prospects. As a matter of policy, the Government demands that teaching materials for courses such as mathematics or literature have an ideological content. Government efforts to undermine dissidents included denying them advanced education and professional opportunities. President Castro has stated publicly that the universities are available only to those who share his revolutionary beliefs.

Artistic expression is less restricted. The Government encourages the cultural community to attain the highest international standards in order to sell its work overseas for hard currency. However, in 2000 the Government began implementing a program called "Broadening of Culture" that ties art, socialism, and modern "revolutionary" ideology and legends into its own vision of culture. The Government has used the government media and the schools to impose this vision on the public, particularly the youth.

b. Freedom of Peaceful Assembly and Association

Although the Constitution grants limited rights of assembly and association, these rights are subject to the requirement that they may not be "exercised against the existence and objectives of the Socialist State." The law punishes any unauthorized assembly of more than three persons, including those for private religious services in private homes, by up to 3 months in prison and a fine. The authorities selectively enforced this prohibition and often used it as a legal pretext to harass and imprison human rights advocates.

The Government's policy of selectively authorizing the Catholic Church to hold outdoor processions at specific locations on important feast days continued during the year. On September 8, the Government permitted for the fourth consecutive year a procession in connection with Masses in celebration of the feast day of Our Lady of Charity in Havana. However, on September 8, security police ordered a number of human rights activists not to attend the procession; a number of activists did participate (see Section 2.c.). There were no reports that processions were denied permits during the year.

The authorities never have approved a public meeting by a human rights group, and often detained activists to prevent them from attending meetings, demonstrations, or ceremonies (see Section 1.d.).

On January 30, state security officials prevented human rights activists from attending a proposed conference on liberalism in the home of Hector Palacio Ruiz, director of the Center of Social Studies. Elizardo Sanchez, director of the CCHRNC, estimated that state security officials told approximately 40 activists to go home.

On February 8, police prevented members of FCDH from having its regular monthly meeting. Police detained more than 20 members of the organization. The president of FCDH, Juan Carlos Gonzalez Leyva, said that he was hit in the face, that he lost his glasses (Gonzalez Leyva is blind), and was held in a painful grip. His father and brother, who are not members of the opposition, were forced into a car and released on the outskirts of the town of Ciego de Avila. Leyva's wife also was detained briefly.

On February 15, police prevented a conference on ethics in journalism in the context of a nascent civil society sponsored by the Moderate Reflection Group in the independent library Jorge Manach. The owner of the library, Ricardo Gonzalez, was detained early in the morning and released that evening.

On February 23, state security officers detained prodemocracy activists in different parts of the country to prevent them from staging activities commemorating the February 1996 shooting down of two civilian aircraft over international airspace by the air force (see Sections 1.d. and 2.a.).

On May 21, police and state security officials prevented human rights activists from participating in the burial of Marcelo Diosdado Amelo Rodriguez, who died in prison on May 20 (see Section 1.c.). The police beat and kicked human rights activists who refused to board three buses offered by state security to follow the hearse, preferring to walk behind the hearse, a tradition in Santiago de Cuba. Neighbors expressed their disapproval of police actions and attempted to stop the police from beating and kicking the dissidents. Police detained six persons before leaving the area. The hearse abruptly departed, forcing mourners to find alternate ways of transportation to the cemetery. Police only allowed immediate family members to enter the cemetery for the

burial ceremony. On May 22, the six who were detained were released, and each one was fined \$88 (1,760 pesos); this included damages to the funeral vehicle. On June 5, state security officials placed a wreath on Diosdado's grave with the words "To Taino, from your brothers in Security," an allegation that the deceased had collaborated with state security forces. State security also used this similar tactic of accusing the deceased of police collaboration on September 18--the first anniversary of the death of human rights activist Jesus Yanez Pelletier. On June 21, a Mass was celebrated in the Church of St. Theresa in honor of Diosdado. Many activists and family members attended while state security remained outside. There were no reports of violence.

On July 6, police prevented members of the Popular Cuban Youth Party from seeing the film "Thirteen Days." Organizers wanted to conduct a debate on the film.

Over the weekend of August 4-5, state security officials detained opposition activists who were planning protests to coincide with the seventh anniversary of the antigovernment riot that took place in Havana on August 5, 1994.

On December 10, approximately 30 activists attended a peaceful celebration of the anniversary of the Declaration of Human Rights. The activists reported that plain-clothes police checked the documents of those arriving and prevented some persons from attending.

The Government organized marches on May Day and has a rally, "Tribuna Abierta," every Saturday in a different municipality in the country. There is both radio and television coverage of the rally.

The Government generally denies citizens the freedom of association. The Penal Code specifically outlaws illegal or unrecognized groups. The Minister of Justice, in consultation with the Interior Ministry, decides whether to give organizations legal recognition. The authorities never have approved the existence of a human rights group. However, there are a number of professional associations that operate as NGO's without legal recognition, including the Association of Independent Teachers, the Association of Independent Lawyers (Agramonte), the Association of Independent Architects and Engineers, and several independent journalist organizations.

Recognized churches (see Section 2.c.), the Roman Catholic humanitarian organization Caritas, the Masonic Lodge, small human rights groups, and a number of nascent fraternal or professional organizations are the only associations outside the control or influence of the State, the Communist Party, and their mass organizations. With the exception of the Masons, who have been established in the country for more than a century, the authorities continued to ignore those groups' applications for legal recognition, thereby subjecting members to potential charges of illegal association. All other legally recognized NGO's are affiliated at least nominally with or controlled by the Government.

c. Freedom of Religion

The Constitution recognizes the right of citizens to profess and practice any religious belief within the framework of respect for the law; however, in law and in practice, the Government continued to restrict freedom of religion. In general unregistered religious groups continued to experience various degrees of official interference, harassment, and repression. The Government's policy of permitting apolitical religious activity to take place in government-approved sites remained unchanged; however, citizens worshiping in officially sanctioned churches often were subjected to surveillance by state security forces, and the Government's efforts to maintain a strong degree of control over religion continued.

The Constitution provides for the separation of church and state. In 1991 the Government allowed religious adherents to join the Communist Party. In 1992 it amended the Constitution to prohibit religious discrimination and to remove references to "scientific materialism," (i.e. atheism) as the basis for the State. Members of the armed forces do not attend religious services in their uniform, probably to avoid possible reprimand by superiors.

The Government requires churches and other religious groups to register with the provincial registry of associations within the Ministry of the Interior to obtain official recognition. In practice the Government refuses to recognize new denominations; however, the Government has tolerated some new religions on the island, such as the Baha'i Faith. Unregistered religious groups are subject to official interference, harassment, and repression. The Government, with occasional exceptions, prohibited the construction of new churches, forcing many growing congregations to violate the law and meet in private homes. Government harassment of private houses of worship continued, with evangelical denominations reporting evictions from houses used for these purposes. According to the Cuban Council of Churches (CCC) officials, most of the private houses of worship

that the Government closed were unregistered, making them technically illegal. In addition CCC Pentecostal members have complained about the preaching activities of foreign missionaries that led some of their members to establish new denominations without obtaining the required permits. Because of these complaints by the Pentecostals, the CCC formally has requested overseas member church organizations to assist them in dissuading foreign missionaries from establishing Pentecostal churches.

The Government's main interaction with religious denominations is through the Office of Religious Affairs of the Communist Party. The Ministry of Interior engaged in active efforts to control and monitor the country's religious institutions, including through surveillance, infiltration, and harassment of religious professionals and practitioners.

In 1998 following Pope John Paul II's visit, the country's Roman Catholic bishops called on the Government to recognize the Catholic Church's role in civil society and the family, as well as in the temporal areas of work, the economy, the arts, and the scientific and technical worlds. The Government continued to limit the Catholic Church's access to the media and refused to allow the Catholic Church to have a legal independent printing capability. It maintained a prohibition against the establishment of religious-affiliated schools.

In September local government authorities, for the fourth consecutive year, allowed the Catholic Church to hold an outdoor procession to mark the feast day of Our Lady of Charity in Havana (see Section 2.b.). Although visibly present, state security personnel did not harass any participants or observers as they did in 1998. However, prior to the event, security police ordered a number of human rights activists not to attend the procession. On September 24, thousands of persons attended the various Masses held throughout the day in honor of the Virgin of Charity, the patron saint of the imprisoned. The independent press agency Cuba-Verdad reported that after one of the afternoon Masses, a number of human rights activists led a peaceful march. Although present, state security agents did not intervene. However, on September 28, one of the organizers of the impromptu march, Carlos Alberto Dominguez, was detained briefly in his home and taken to the nearest police station; he was released without charge.

In 1998 the Government announced in a Politburo declaration that henceforth citizens would be allowed to celebrate Christmas as an official holiday. (The holiday had been cancelled, ostensibly to spur the sugar harvest, in 1969 and restored in 1997 as part of the preparations for the Pope's 1998 visit.) However, despite the Government's decision to allow citizens to celebrate Christmas as an official holiday, it also maintained a 1995 decree prohibiting nativity scenes in public buildings. The Christmas procession took place in December.

On March 10, members of the Province of Havana Communist Party prepared a confidential document criticizing recent inroads of the church into society. The document provided suggestions to the Party on how to supercede the pastoral work of the Church, which included providing computer classes, attending to children with Down's Syndrome, distributing medicines in cooperation with doctors who provide written prescriptions for church medical dispensaries, and charitable assistance to the elderly. The document allegedly suggested that the Party take corrective measures, for example, by controlling the distribution of medicines. Cardinal Jaime Ortega Alamino characterized the Party document as "antireligious" and a throw-back to the pre-1992 constitution. The Cardinal again suggested that to overcome these misconceptions the Church and State should engage in a "profound discussion" on the meaning of religion in society. Following the publication of the article, Communist Party leaders in Havana reportedly apologized to the Catholic Church hierarchy.

The Government allowed two new foreign priests from Paraguay, two priests from Spain, and another religious person to enter the country to replace other priests whose visas had expired. During the year, 10 visas were issued to other religious persons, including nuns. The applications of many other priests and religious workers remained pending at year's end.

Religious officials are allowed to visit prisoners, but prison officials sometimes refused visits to certain political prisoners. In order for a religious visit to take place, the prisoner must submit a written request, and the prison director must approve it. Elias Biscet was visited by a Catholic priest twice during the year.

Education is secular, and no religious educational institutions are allowed. There were no reports that parents were restricted from teaching religion to their children.

The Government continued to enforce a resolution that prevented any national or joint enterprise (except those with specific authorization) from selling computers, fax machines, photocopiers, or other equipment to any church at other than official--and exorbitant--retail prices. There was no restriction on the importation of religious literature and symbols if imported by a registered religious group in accordance with the proper importing procedures. In punishment cells, prisoners were denied access to reading materials, including Bibles (see Section 1.c.).

In the past several years, the Government has relaxed restrictions on some religious denominations, including Seventh-Day Adventists and Jehovah's Witnesses. Jehovah's Witnesses, once considered "active religious enemies of the revolution," were allowed to proselytize quietly door-to-door and generally were not subject to overt government harassment, although there were sporadic reports of harassment by local Communist Party and government officials.

The CCC continued to broadcast a monthly 15-minute program on a national classical music radio station under the condition that the program may not include material of a political character.

In July the Government detained a number of human rights activists to prevent them from participating in a Mass in memory of the victims of the 1994 sinking of the "13th of March" tugboat (see Sections 1.a. and 1.d.). State security officials visited some priests and pastors prior to significant religious events, ostensibly to warn them that dissidents are trying to "use the Church;" however, some critics claimed that these visits were done in an effort to foster mistrust between the churches and human rights or prodemocracy activists. State security officers also regularly harassed human rights advocates who sought to attend religious services commemorating special feast days or before significant national days, sometimes entering inside churches and disrupting religious ceremonies.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government severely restricts freedom of movement. The Government generally has not imposed legal restrictions on domestic travel; however, it limits migration to Havana, and initially restricts persons found to be HIV-positive to sanatoriums for treatment and therapy before conditionally releasing them into the community. In the past several years, state security officials also have forbidden human rights advocates and independent journalists from traveling outside their home provinces, and the Government also has sentenced others to internal exile.

Decree 217 prohibits persons in other provinces from moving into Havana on the grounds that if internal migration is left unchecked, the city's problems regarding housing, public transport, water, and electrical supplies will become worse; visits to the city are permissible. The Government noted in 2000 that since the decree went into effect in 1997, the number of persons migrating to Havana had decreased to approximately 17,000 persons. Police frequently check the identification of persons on the streets, and if someone from another province is found living in Havana illegally, that person is fined \$11.50 (300 pesos) and sent back home. Fines are \$38.50 (1,000 pesos) for those who reside illegally in the neighborhoods of Old Havana and Cerro. Human rights observers noted that while the decree affected migration countrywide, it targeted individuals and families, who predominantly are of African descent from the more impoverished eastern provinces.

The Government imposed some restrictions on both emigration and temporary foreign travel. The Government allows the majority of persons who qualify for immigrant or refugee status in other countries to depart; however, in certain cases the authorities delay or deny exit permits, usually without explanation. The Government denied exit permits to journalists (see Section 2.a.). Some denials involve professionals who have tried to emigrate and whom the Government subsequently banned from working in their occupational fields. The Government refused permission to others because it considered their cases sensitive for political or state security reasons. Resolution 54 denies exit permits to medical professionals until they have performed 3 to 5 years of service in their profession after requesting permission to travel abroad. This regulation normally applied to recent graduates. This regulation was not published as part of the legal provisions, and may apply to other professionals as well.

In February a group of 31 medical professionals sent a letter to the authorities protesting the Government's decision not to allow them to proceed with their legal emigration. These medical professionals were granted immigrant status by other countries, but the Ministry of Health had refused to grant them permission to secure exit permits. The doctors made the document public. The Government responded by terminating their employment, relocating them to remote and undesirable health care facilities, or ostracizing them. One of the doctors who signed the letter attempted to leave the country illegally but was caught and released 3 days later.

On June 7, eight doctors and one nurse initiated a public fast to protest the refusal of the Ministry of Health to issue them the required permission to secure exit permits; the fast remained in effect at year's end. The public fast by the doctors and nurse led to the Statement 2001 issued by a group of medical professionals (see Section 2.a.).

On March 15, immigration officials did not allow independent journalist Oswaldo de Cespedes and his family to board their flight as political refugees. De Cespedes was informed that his exit permit had been canceled. A migration official later told him that the exit permit was canceled "for interests of the state." While his family

was allowed to leave at a later date, de Cespedes remained in the country at year's end.

Elizardo Sanchez Santa Cruz, president of the CCHRNC, applied for an exit permit to attend a Latin American conference on Human Rights in Mexico City. Before authorities could respond, in June Sanchez requested and received an emergency exit visa due to a death in his family. Sanchez visited a number of countries before he returned. In October Sanchez again was allowed to depart the country for a human rights conference in the Czech Republic.

In September the president of the environmental organization Naturpaz traveled to the U.S. for a visit.

The Government routinely denied exit permits to young men approaching the age of military service, and until they reached the age of 27, even when it has authorized the rest of their families to leave. However, in most of those cases approved for migration to the U.S. under the September 1, 1994, U.S.-Cuban migration agreement, the applicants eventually received exemption from obligatory service and were granted exit permits.

The Government has a policy of denying exit permission for several years to relatives of individuals who successfully migrated illegally (e.g. merchant seamen who have defected while overseas and sports figures who have defected while on tours abroad).

In June a military court sentenced Pedro Riera Escalante, a former Cuban consul and intelligence officer in Mexico City, to 6 years in prison for leaving the country illegally, using false documents, and bribing officials to allow his departure. Escalante had broken with the Government and sought political asylum in Mexico; however, in October he was deported forcibly by the Mexican authorities.

Migrants who travel to the United States must pay the Government a total of \$600 per adult and \$400 per child, plus airfare. These government fees for medical exam, passport, and exit visa—which must be paid in dollars—are equivalent to about 5 years of a professional person's accumulated peso salary and represent a significant hardship, particularly for political refugees who usually are marginalized and have no income. In 1996 the Government agreed to allow 1,000 needy refugees to leave each year with reduced exit fees. However, after the first group of 1,000 in 1996, no further refugees were accorded reduced fees. At year's end, of the 1,001 persons pending travel, 21 approved refugees remained in the country because they were unable to pay government exit fees for themselves and their families.

The Penal Code provides for imprisonment of up to 3 years or a fine of \$15 to \$50 (300 to 1,000 pesos) for unauthorized departures by boat or raft. The office of the U.N. High Commissioner for Refugees (UNHCR) has stated that it regards any sentence of more than 1 year for simple illegal exit as harsh and excessive. Under the terms of the May 2, 1995, U.S.-Cuba Migration Accord, the Government agreed not to prosecute or retaliate against migrants returned from international or U.S. waters, or from the U.S. Naval Base at Guantanamo, after attempting to emigrate illegally if they have not committed a separate criminal offense.

In 1994 the Government eased restrictions on visits by and repatriations of Cuban emigrants. Citizens who establish residency abroad and who are in possession of government-issued permits to reside abroad may travel to the country without visas. The Government reduced the age of persons eligible to travel abroad from 20 to 18 years and extended the period for a temporary stay abroad from 6 to 11 months. In 1995 the Government announced that emigrants who are considered not to have engaged in so-called "hostile actions" against the Government and who are not subject to criminal proceedings in their countries of residence may apply at Cuban consulates for renewable, 2-year multiple-entry travel authorizations. However, in 1999 the Government announced that it would deny entry permits for emigrants who had left the country illegally after September 1994. It remains unclear whether the Government actually was implementing such a policy.

The Constitution provides for the granting of asylum to individuals persecuted "for their ideals or struggles for democratic rights against imperialism, fascism, colonialism, and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace." However, the Government has no formal mechanism to process asylum for foreign nationals. Nonetheless the Government honors the principle of first asylum and has provided it to a small number of persons. There was no information available on its use during the year. A total of 93 persons applied for refugee status during the year, and 25 were approved; according to the UNHCR, there are 1,036 refugees in the country. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the legal right to change their government or to advocate change, and the Government retaliates systematically against those who seek peaceful political change. The Constitution proscribes any political organization other than the Communist Party. While the Constitution provides for direct election of provincial, municipal, and ANPP members, the candidates must be approved in advance by mass organizations controlled by the Government. In practice a small group of leaders, under the direction of President Castro, selects the members of the highest policy-making bodies of the Communist Party: The Politburo and the Central Committee.

The authorities tightly control the selection of candidates and all elections for government and party positions. The candidacy committees are composed of members of government-controlled mass organizations such as the Confederation of Cuban Workers (CTC) and the CDR's and are responsible for selecting candidates, whose names then are sent to municipal assemblies that select a single candidate for each regional seat in the ANPP. An opposition or independent candidate never has been allowed to run for national office.

In January 1998, the Government held national elections in which 601 candidates were approved to compete for the 601 seats in the National Assembly. According to the official state media, the candidates were voted in by more than 93 percent of the electorate. No candidates with views independent from or in opposition to the Government were allowed to run, and no views contrary to the Government or the Communist Party were expressed in the government-controlled national media. The Government saturated the media and used government ministries, Communist Party entities, and mass organizations to urge voters to cast a "unified vote" where marking one box automatically selected all candidates on the ballot form. In practice the Communist Party approved candidates for all offices. A small minority of candidates did not belong formally to the Communist Party. The Communist Party was the only political party allowed to participate in the elections.

Deputies in the National Assembly, delegates in the provincial assemblies, and members of the Council of State are elected during general elections every 5 years. Municipal elections are held every 2 1/2 years to elect 14,686 local representatives to the municipal assemblies, the lowest level of the Government's structure. In April 2000, the Government held elections for local representatives to the municipal assemblies. Government newspapers reported that 98 percent of voters participated in the election. Slightly more than 50 percent of those elected were incumbents, 20 percent were women, and approximately 9 percent of all candidates were between the ages of 16 and 30. The reports also claimed that nationwide the number of blank ballots decreased from 3.2 percent to 2.8 percent, while the number of annulled votes also decreased to 3 percent from nearly 4 percent, compared with the last election.

Although not a formal requirement, in practice Communist Party membership is a prerequisite for high-level official positions and professional advancement.

The Government rejects any change to the political system judged incompatible with the revolution and ignored and actively suppressed calls for democratic reform. Although President Castro signed the Declaration of Vina del Mar at the Sixth Ibero-American Summit in 1996, in which government leaders reaffirmed their commitment to democracy and political pluralism, the Government continued to oppose independent political activity on the ground that the national system provides a "perfected" form of democracy and that pluralism exists within the one-party structure.

Government leadership positions continued to be dominated by men. There are no legal impediments to women voting, holding political office, or rising to political leadership; however, the percentage of women in government and politics does not correspond to their percentage of the population. There are very few women or minorities in policymaking positions in the Government or the Party. There are 2 women in the 24-member Politburo, 18 in the 150-member Central Committee, and 166 in the 601-seat ANPP. Although blacks and persons of African descent make up more than half the population, they only hold six seats in the Politburo.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not recognize any domestic human rights groups or permit them to function legally. The Government subjects domestic human rights advocates to intense intimidation, harassment, and repression. In violation of its own statutes, the Government refuses to consider applications for legal recognition submitted by human rights monitoring groups (see Section 2.b.).

Dissidents generally believe that most human rights organizations have been infiltrated and are subjected to constant surveillance. Activists believe that some of the dissidents are either state security officials or are persons attempting to qualify for refugee status to leave the country.

In its 1997 report, the IACHR examined measures taken by the Government and found that they did not "comprise the bedrock of a substantive reform in the present political system that would permit the ideological and partisan pluralism implicit in the wellspring from which a democratic system of government develops." The IACHR recommended that the Government provide reasonable safeguards to prevent violations of human rights, unconditionally release political prisoners and those jailed for trying to leave the country, abolish the concept of dangerousness in the Penal Code, eliminate other legal restriction on basic freedoms, cease harassing human rights groups, and establish a separation of powers so that the judiciary no longer would be subordinate to political power (see Sections 1.c. and 1.e.).

On May 8, a state security official confiscated the signed petitions that Carlos Brizuela Yera collected on behalf of Project Varela. This is a project sponsored by the Christian Liberation Movement, led by Oswaldo Paya Sardinias, to have 10,000 citizens sign a petition requesting a popular referendum, as provided for by the Constitution of 1976, on the need for political and economic changes. Project Varela proposes five areas where laws should be changed based on existing constitutional rights, including the right to free expression, the right to free association, amnesty for those jailed for "political motives," the right to set up businesses, and a new electoral law allowing citizens to vote for multiple candidates as a better form of "participatory democracy."

The Government steadfastly has rejected international human rights monitoring. In 1992 the country's U.N. representative stated that the Government would not recognize the mandate of the U.N. Commission on Human Rights on Cuba and would not cooperate with the Special Rapporteur on Cuba, despite being a UNCHR member. This policy remained unchanged, and the Government refused even to acknowledge requests by the Special Rapporteur to visit the country. In 1998 the UNCHR did not renew the mandate of the Special Rapporteur, following as yet unfulfilled assertions by the Government that it would improve human rights practices if it was not under formal sanction from the UNCHR. As in 2000, the UNCHR again passed a resolution on April 18, introduced by the Czech Republic, which expressed concern about the human rights situation in the country. Unlike in the previous year, there were no organized marches past the Czech Embassy in Havana.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The country is a multiracial society with a black and mixed-race majority. The Constitution forbids discrimination based on race, sex, or national origin, although evidence suggests that racial discrimination occurs frequently.

Women

Violent crime rarely was reported in the press, and there was no publicly available data regarding the incidence of domestic violence and rape; however, human rights advocates reported that violence against women was a problem. The law establishes strict penalties for rape, and the Government appears to enforce the law; however, according to human rights advocates, the police do not act on cases of domestic violence.

The U.N. Special Rapporteur on Violence Against Women visited the country in 1999 and issued a report of findings in February 2000. The report stated that most government officials did not view violence against women as a prevalent problem. However, activists at the grassroots level were very attuned to problems of violence affecting women. The Rapporteur urged the Government to take comprehensive steps to enhance the legal protection against violence against women and specifically urged the adoption of legislation to address domestic violence and sexual harassment.

Prostitution is legal for persons over 17 years of age; however, pandering or otherwise benefiting from prostitution is a felony. Prostitution has increased greatly in the last few years. Press reports indicated that tourists from various countries visited specifically to patronize inexpensive prostitutes. A government crackdown on prostitution that began in late 1998 initially had some effect, but prostitutes (known as "jineteras") still were visible in Havana and other major cities during the year. Police obtained early success in their efforts by stationing officers on nearly every major street corner where tourists were present. Some street police officers were suspected of providing protection to the jineteras. Most observers believe that the Government clamped down on prostitution to combat the perception that the Government promotes sex tourism. The Government set up centers to take prostitutes off the streets and reeducate them. In a February 2000 report, the U.N. Special Rapporteur on Violence Against Women recommended that the Government dismantle the centers and find "other mechanisms that do not violate the rights of the prostitutes." There was no information available regarding whether or not the Government dismantled these centers.

The Family Code states that women and men have equal rights and responsibilities regarding marriage, divorce, raising children, maintaining the home, and pursuing a career. Women were subject to the same

restrictions on property ownership as men. On May 1, the maternity law was changed to provide up to 1 year of maternity leave, an increase from 18 weeks. The law also grants working mothers preferential access to goods and services. Approximately 40 percent of all women work, and they are well represented in many professions. According to the Cuban Women's Federation (FMC), in 2000 women held 33 percent of managerial positions. The FMC also asserted that 11,200 women had received land parcels to cultivate, that more than 561,000 women had begun working as agricultural workers, and that women devoted 34 hours a week to domestic work, approximately the same number of hours they spend working outside the home.

Children

The Constitution provides that the Government protect family, maternity, and matrimony. It also states that children, legitimate or not, have the same rights under the law and notes the duties of parents to protect them. The law requires school attendance until the ninth grade, and this law generally is respected in practice. Education is free, but it is grounded in Marxist ideology. State organizations and schools are charged with the integral formation of children and youth. The national health care system covers all citizens.

There was no societal pattern of abuse of children. However, child prostitution was a problem, with young girls engaging in prostitution to help support themselves and their families. It is illegal for a person under 17 years of age to engage in prostitution. The police began to enforce this law more actively in late 1998 and continued to do so during the year as part of a general crackdown on prostitution. However, the phenomenon continued as more cabarets and discos open for the growing tourist industry, which made it easier for tourists to come into contact with child prostitutes.

Police officers who find children loitering in the streets or begging from tourists frequently intervened and tried to find the parents. If the child was found bothering tourists a second time, police frequently fined the child's parents.

Persons with Disabilities

The law prohibits discrimination based on disability, and there have been few complaints of such discrimination. On January 15, Juan Carols Gonzalez Leyva and Luis Esteban Alvarez of the Independent Fraternity of the Blind of Cuba (FRACIC) sent a letter to President Castro complaining about the difficult situation that blind persons encounter. They blamed the Government's lack of will for this situation. The letter specifically referred to a November 2000 incident in which a special police operation dislodged a number of persons with disabilities from selling their products in Central Havana. Police arrested two persons, and a court sentenced one of them to 1 year in jail for selling stolen goods.

There are no laws that mandate accessibility to buildings for persons with disabilities. In practice buildings and transportation rarely are accessible to persons with disabilities.

National/Racial/Ethnic Minorities

Many persons of African descent have benefited from access to basic education and medical care since the 1959 revolution, and much of the police force and army enlisted personnel is black. Nevertheless racial discrimination often occurred and was acknowledged publicly by high governmental officials, including President Castro during remarks at the World Conference on Racism in South Africa. President Castro acknowledged that the revolution has not eradicated racism. There were numerous reports of disproportionate police harassment of black youths. Evictions, exacerbated by Decree 217, primarily targeted individuals and families from the eastern provinces, which are traditionally areas of black or mixed-race populations (see Section 2.d.).

Section 6 Worker Rights

a. The Right of Association

The Constitution gives priority to state or collective needs over individual choices regarding free association or provision of employment. The demands of the economy and society take precedence over individual workers' preferences. The law prohibits strikes; none were known to have occurred. Established official labor organizations have a mobilization function and do not act as trade unions, promote worker rights, or protect the right to strike. Such organizations are under the control of the State and the Communist Party, which also manage the enterprises for which the laborers work.

The Communist Party selects the leaders of the sole legal labor confederation, the Confederation of Cuban Workers, whose principal responsibility is to ensure that government production goals are met. Despite disclaimers in international forums, the Government explicitly prohibits independent unions and none are recognized. There has been no change in conditions since the 1992 International Labor Organization (ILO) finding that the Government violated ILO norms on the freedom of association and the right to organize. Those who attempted to engage in unofficial union activities faced government harassment.

Workers may lose, and many have lost their jobs for their political beliefs, including their refusal to join the official union. Several small independent labor organizations have been created but function without legal recognition and were unable to represent workers effectively or work on their behalf. The Government actively harassed these organizations. On January 26, the Government released Pedro Pablo Alvarez Ramos, the secretary general of the Council of Cuban Workers (CUTC), without charging him; he had been arrested in October 2000. On February 3, Jordanis Rivas Hernandez and Cecilia Chavez Gonzalez, both workers in an agroindustrial plant in the province of Villa Clara, reportedly were expelled for "lack of confidence," a reference to their involvement in independent labor movements (see Section 1.f.). On June 8, independent labor activist Jose Orlando Gonzalez Bridon of the Confederation of Democratic Workers of Cuba was sentenced to 2 years in jail (see Section 1.e.); he was released after serving 1 year, including pretrial detention. On July 23, police briefly detained Nestor Gonzalez Penton, a member of the Confederation of Democratic Workers of Cuba in Santa Clara. During his interrogation, Gonzalez was told that if he did not find work soon he would be incarcerated for "dangerousness." Most political dissidents lose their jobs and remain unemployed; the only work they are offered is cleaning streets. On September 3, the first national conference of the Confederation of Independent Workers was held in the house of independent journalist Aleida Godinez Soler. Fourteen of the 30 delegates arrived before security forces began telling persons to leave, and 2 persons were detained and released the same day. In the document "the Declaration of September," the members affirmed their commitment to criticize labor violations and to work with workers arbitrarily dismissed from their jobs for political reasons.

The CTC is a member of the Communist, formerly Soviet-dominated World Federation of Trade Unions.

b. The Right to Organize and Bargain Collectively

Collective bargaining does not exist. The State Committee for Work and Social Security (CETSS) sets wages and salaries for the state sector, which is almost the only employer in the country. Because all legal unions are government entities, antiunion discrimination by definition does not exist.

The 1995 Foreign Investment Law denies workers the right to contract directly with foreign companies investing in the country without special government permission. Although a few firms have managed to negotiate exceptions, the Government requires foreign investors to contract workers through state employment agencies, which are paid in foreign currency and, in turn, pay workers very low wages in pesos. Typically workers received 5 percent of the salary paid by the companies to the state. Workers subcontracted by state employment agencies must meet certain political qualifications. According to Minister of Basic Industry Marcos Portal, the state employment agencies consult with the Party, the CTC, and the Union of Communist Youth to ensure that the workers chosen "deserve" to work in a joint enterprise.

There were no functioning export processing zones, although the law authorizes the establishment of free trade zones and industrial parks.

c. Prohibition of Forced or Compulsory Labor

Neither the Constitution nor the Labor Code prohibits forced labor. The Government maintained correctional centers where it sent persons for crimes such as dangerousness. Prisoners held there were forced to work on farms or building sites; for example, doing construction, agricultural work, or metal working. The authorities often imprisoned internees who did not cooperate.

The Government employs special groups of workers, known as "microbrigades," who are reassigned temporarily from their usual jobs to work on special building projects. These microbrigades increasingly have become important in the Government's efforts to complete tourist and other priority projects. Workers who refused to volunteer for these jobs often risked discrimination or job loss. Microbrigade workers reportedly received priority consideration for housing assignments. The military assigns some conscripts to the Youth Labor Army, where they serve a 2-year military service requirement working on farms that supply both the armed forces and the civilian population.

The Government prohibits forced and bonded labor by children; however, the Government required children to

work without compensation. All students over age 11 were expected to devote 30 to 45 days of their summer vacation to farm work, laboring up to 8 hours per day. The Ministry of Agriculture used "voluntary labor" by student work brigades extensively in the farming sector.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age is 17 years. However, the Labor Code permitted the employment of 15- and 16-year-old children to obtain training or to fill labor shortages. The Government prohibits forced and bonded child labor; however, it strongly encouraged children to work without compensation (see Section 6.c.). According to school rules, refusal to do agricultural work could affect the student's ability to continue studying at the institution.

e. Acceptable Conditions of Work

The CETSS sets the minimum wage, which varies by occupation. For example, the minimum monthly wage for a maid is \$8.25 (165 pesos); for a bilingual office clerk, \$9.50 (190 pesos); and for a gardener \$10.75 (216 pesos). The Government supplements the minimum wage with free education, subsidized medical care (daily pay is reduced by 40 percent after the third day of being admitted to a hospital), housing, and some food (this subsidized food is enough for about 1 week per month). However, even with these subsidies, the minimum wage does not provide a decent standard of living for a worker and family. Corruption and black market activities were pervasive. The Government rations most basic necessities such as food, medicine, clothing, and cooking gas, which were in very short supply.

The Government requires foreign companies in joint ventures with state entities to hire and pay workers through the State (see Section 6.b.). Human Rights Watch noted that the required reliance on state-controlled employment agencies effectively leaves workers without any capacity directly to negotiate wages, benefits, the basis of promotions, and the length of the workers' trial period at the job with the employer. Foreign companies pay the Government as much as \$500 to \$600 per worker per month while the workers in turn receive only a small fraction of that in pesos from the Government.

The standard workweek is 44 hours, with shorter workweeks in hazardous occupations, such as mining. The Government reduced the workday in some government offices and state enterprises to save energy.

Workplace environmental and safety controls usually were inadequate, and the Government lacked effective enforcement mechanisms. Industrial accidents apparently were frequent, but the Government suppressed such reports. The Labor Code establishes that a worker who considers his life in danger because of hazardous conditions has the right not to work in his position or not to engage in specific activities until such risks are eliminated. According to the Labor Code, the worker remains obligated to work temporarily in whatever other position may be assigned him at a salary provided for under the law.

f. Trafficking in Persons

The Penal Code prohibits trafficking in persons through or from the country and provides for penalties for violations, including a term of 7 to 15 years' imprisonment for organizing or cooperating in alien smuggling through the country; 10 to 20 years' imprisonment for entering the country to smuggle persons out of the country; and 20 years to life in prison for using violence, causing harm or death, or putting lives in danger in engaging in such smuggling. These provisions were directed primarily at persons engaging in organized smuggling of would-be emigrants. In addition the revised code made it illegal to promote or organize the entrance of persons into or the exit of persons from the country for the purpose of prostitution; violators are subject to 20 to 30 years' imprisonment.

There were no reports that persons were trafficked to, from, or within the country for the purpose of providing forced labor or services.